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S.B. CIVIL MISC. APPEAL NO.1248/2006.
(Smt. Kamila Vs. Sagarmal & Anr.)

Date of Order :: 27.10.2006.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Jitendra Singh Rathore, for the appellant.

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Heard learned counsel for the appellant and perused the award impugned.

By way of this appeal, the claimant, mother of 20 years old Saleem a fatal accident victim, having been awarded compensation in the sum of Rs.1,24,500/- together with interest @ 7.5% per annum in her claim application under Section 163-A of the Motor Vehicles Act seeks enhancement over the amount awarded by the Tribunal.

The deceased was an unmarried person and so far the age of the claimant is concerned, the Tribunal has noticed stark discrepancies inasmuch as she had asserted her age at 50 years in the claim application filed on 21.08.2002;, then stated her age at the same 50 years even after two years of filing of the claim application in her statements before the Tribunal. Significantly, she had stated the age of her eldest son Allahanoor at approximately 45 years; and such statement is incompatible with her age at 50 years. In the overall circumstances, the Tribunal cannot be said to have erred in

taking the age of the claimant at 60 years and in applying the multiplier of 5.

The ultimate award in the sum of Rs.1,24,500/- together with interest @ 7.5% per annum from the date of filing of the application, i.e. 21.08.2002 cannot be said to be too low or grossly inadequate in the circumstances of the case so as to warrant any interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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